

Appl. No. : 09/809,158  
Filed : March 15, 2001

## REMARKS

### Double-patenting

The Examiner has rejected Claims 60, 63, 66, 67, 71, 73-76, 78-84 and 86 on the ground of non-statutory obviousness-type double patenting as being allegedly unpatentable over Claims 1021 of U.S. Patent No. 6,210,672 in view of Horsburgh et al. (US 6,227,621). A terminal disclaimer would serve to satisfy the statutory function of removing the rejection of double patenting, without raising a presumption on the merits of the rejection. *Ortho Pharmaceutical Corp. v. Smith*, 22 USPQ2d 1119, 1123-24 (Fed. Cir. 1992). As it raises no presumption on the merits of the rejection, a terminal disclaimer is filed herewith to remove the obviousness-type double patenting rejection.

## CONCLUSION

In view of the above, it is submitted that the claims are in condition for allowance. Reconsideration and withdrawal of all outstanding rejections are respectfully requested. Allowance of the claims at an early date is solicited. If any points remain that can be resolved by telephone, the Examiner is invited to contact the undersigned at the below-given telephone number.

Respectfully submitted,

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